

10/97/00
C9700
S-10
T0/97/00
PRO01-10-01
A

Certificate of Mailing

Date of Deposit January 16, 2001

Label Number E1509049441US

I hereby certify under 37 C.F.R. § 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above and is addressed to: BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231.

Guy Beardsley

Printed name of person mailing correspondence

Signature of person mailing correspondence
*D. Beardsley*109411
01/16/01
109761466

UTILITY PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. § 1.53(b)

Attorney Docket Number	01948/069002
Applicant	Ike W. Lee and Seigo Izumo
Title	CARDIAC-CELL SPECIFIC ENHANCER ELEMENTS AND USES THEREOF

PRIORITY INFORMATION:

This application claims benefit from U.S. Provisional Application No. 60/176,419, filed January 14, 2000 (now pending).

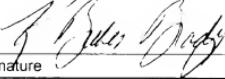
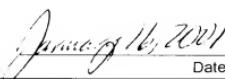
SMALL ENTITY STATUS:

Applicant claims small entity status under 37 C.F.R. § 1.27.

APPLICATION ELEMENTS:

Cover sheet	1 page
Specification	36 pages
Claims	5 pages
Abstract	1 page
Drawing	20 sheets
Combined Declaration and POA, which is: <input checked="" type="checkbox"/> Unsigned; <input type="checkbox"/> Newly signed for this application; <input type="checkbox"/> A copy from prior application [**SERIAL NUMBER**] and the entire disclosure of the prior application is considered as being part of the disclosure of this new application and is hereby incorporated by reference therein.	2 pages
Sequence Statement	[**] pages
Sequence Listing on Paper	[**] pages
Sequence Listing on Diskette	[**] disk
Small Entity Statement, which is: <input checked="" type="checkbox"/> A copy from prior application 60/176,419 and such small entity status is still proper and desired.	1 page
Preliminary Amendment	[**] pages

BEST AVAILABLE COPY

IDS	[**] pages
Form PTO 1449	[**] pages
Cited References	[**] references
Recordation Form Cover Sheet and Assignment	[**] pages
English Translation	[**] pages
Certified Copy of Priority Document	[**] pages
Return Receipt Postcard	1
FILING FEES:	
Basic Filing Fee: \$355	\$355.00
Excess Claims Fee: 17 - 20 x \$9	\$0
Excess Independent Claims Fee: 9 - 3 x \$40	\$240.00
Multiple Dependent Claims Fee: \$270/\$135	\$0
Total Fees:	\$595.00
<input checked="" type="checkbox"/> Enclosed is a check for \$595.00 to cover the total fees. <input type="checkbox"/> Charge [**AMOUNT**] to Deposit Account No. 03-2095 to cover the total fees. <input type="checkbox"/> The filing fee is not being paid at this time. <input checked="" type="checkbox"/> Please apply any other charges, or any credits, to Deposit Account No. 03-2095.	
CORRESPONDENCE ADDRESS:	
Kristina Bieker-Brady Reg. No. 39,109 Clark & Elbing LLP 176 Federal Street Boston, MA 02110	
Telephone: 617-428-0200 Facsimile: 617-428-7045	
CUSTOMER NO: 21559	
 Signature	 Date

Applicant or Patentee : Ike W. Lee et al.
 Serial or Patent No. : 50/176,419
 Filed or Issued : January 14, 2000
 Title : CARDIAC-CELL SPECIFIC ENHANCER ELEMENTS AND USES THEREOF

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
 (37 CFR 1.9(f) and 1.27(d)) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below.

Name of Organization: Beth Israel Deaconess Medical Center
 Address of Organization: 330 Brookline Avenue, Boston, MA 02115

Type of Organization:

- University or Other Institution of Higher Education
- Tax Exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3))
- Nonprofit Scientific or Educational under Statute of State of the United States of America
 Name of State:
 Citation of Statute:
 Would Qualify as Tax Exempt under Internal Revenue Service Code (26 USC 501(a) and 501(c)(3)) If Located in the United States of America
 Would Qualify as Nonprofit Scientific or Educational under Statute of State of the United States of America If Located in the United States of America
 Name of State:
 Citation of Statute:

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled CARDIAC-CELL SPECIFIC ENHANCER ELEMENTS AND USES THEREOF by inventors Ike W. Lee, Seigo Izumo described in

- the specification filed herewith.
- application serial no. 50/176,419, filed January 14, 2000.
- patent no. [*PATENT NUMBER*], issued [*ISSUE DATE*].

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below, and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(c) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

*NOTE. Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

Full Name:

Address:

- INDIVIDUAL
- SMALL BUSINESS CONCERN
- NONPROFIT ORGANIZATION

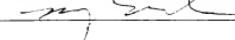
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name: Barry Eisenstein, M.D.

Title: Vice President of Science and Technology

Address: Beth Israel Deaconess Medical Center/Office of Corporate Research, One Deaconess Road, Boston, MA 02215

Signature:  Date: 2/1/02